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**TO THE QUESTION OF THE ADMINISTRATIVE RESPONSIBILITY  
FOR OFFENCES IN THE SPHERE OF TRAFFIC**

**Abstract.** Due to the big growth of a road transport in the Republic of Kazakhstan and at the same time considerable lagging of development of the corresponding road infrastructure, first of all, we are faced by a traffic safety task. It is determined by also insufficient research of an order and features of practical application of administrative sanctions for offenses in the field of traffic (the prevention, purpose of an administrative penalty, deprivation of the driver of the right of control of vehicles).

**Keywords:** administrative responsibility, traffic, offense, jurisdictional activities.

Administrative norms in the field of transport offenses regulate a wide range of the public relations. These relations develop in high gear, and for reliable and exact assessment of perfect administrative offenses, improvement of the legislative base in the field of transport offenses and entering of new amendments, changes and additions into normative legal acts of the Republic of Kazakhstan is necessary.

First of all, the conscious behavior of citizens on roads and streets is created in various ways, namely rather difficult scale social, cultural, natural - climatic, economic, legal, moral and other factors. The order in the field of traffic as the necessary way of structuring social space in any state has the specific features which are objectively set by set of these factors.

Secondly, despite a big role scientifically – research definitions in jurisprudence and in practical life, only legislatively fixed definition of various concepts (capacious, compact and at the same time comprehensive) can give them the highest qualitative value in aspect of its correct understanding by people and reflections in their sense of justice.

Considering constantly growing negative tendency to enhancement of the victims in road accident there is a problem of identification of democratic and extremely correct mechanisms of implementation and execution of administrative sanctions gains special state importance.

Truly and in time the applied administrative sanction is the key to the due relation of citizens, considering those persons who have committed administrative offenses, to institute of involvement of offenders with administrative responsibility. Due and invariable following to the law lets know that administrative responsibility in the constitutional state is the method of suppression of society which is not based on force, and the lawful mechanism of regulation of the public relations based on the law.

Careful work on offense fixation, identification of the person which has made it to collecting of proofs of his fault, decision, comes to an end with execution of the sanction. And, as it quite often happens, how everything comes to an end, draw conclusions that was. In other words, factors of reduction of punishment, in reality, are aspect of efficiency of jurisdictional work in general.

Non-compliance or untimely implementation of orders about the purpose of administrative sanctions does unnecessary their application by jurisdictional bodies. The legislation in the field of administrative responsibility becomes not productive because the purposes of punishment are implemented not in full. Aspirations in compliance with identification and control of offenses depreciate, the prestige of law enforcement and other jurisdictional agencies is undermined.

So the sanction of the p. 4 of Art. 613 of the Administrative Code of RK, provides, the fact that at failure to follow legal requirements of the authorized officer, namely the employee of law-enforcement bodies on passing according to an established order of survey on a state of narcotic, alcoholic, or an inhalant intoxication, deprivation of the rights for driving is provided in the period of two years. In too time for driving by the drivers who are in a state of narcotic, alcoholic, or an inhalant intoxication, responsibility in the form of deprivation of the right for control of vehicles for a period of three years is provided. It is obvious that unfair drivers who in order to avoid more severe punishment can simply refuse the direction to the narcologist will wish to use this loophole in the legislation, according to their action can't be qualified according to p.1 Art. 608 any more the Administrative Code where deprivation of the right of management for three years is provided, and will fall under the p. 4 of Art. 613 the Administrative Code for which deprivation of the driving license for only two years is provided.

It is necessary to consider the possibility of introduction of strict withdrawal of driver's licenses as a measure of ensuring execution of the administrative sanction at commission of violation of traffic regulations.

Level of psychological and social development of the personality at commission of administrative offenses in the field of traffic plays an important role and demands an in-depth and complex study. Psychophysiological features of the driver promote perception of road information, its judgment, decision-making and timely response to changes in a road situation.

In domestic psychological tradition there is an idea of motor transportation psychology within which aspects in system are studied: the person – the care environment.

The traffic psychology, certainly, includes the questions connected with management of the car, driving process. But in psychology of traffic of people not just the operator steering the vehicle he is included in broader system – the road and transport environment. It both the environment of the car, and other participants of the movement – pedestrians, cyclists, physically disabled people who move in carriages, the staff of different road services.

Also "making" traffic psychology – she studies behavior of the person in the specific, artificially created environment, there is no road and transport environment in the nature, it is created, constructed by the person and is controlled, coordinated by certain rules, traffic diagrams.

Influence behavior of participants of the movement and I governed, and engineering decisions: as the road marking is put as the outcome as elements of design of the road is organized can influence perception and attention of the driver. Therefore one of the directions of psychology of traffic is "psychological decisions" for design of the road environment, optimum and convenient for all its participants.

Recently the number of female drivers in the Republic of Kazakhstan increases, and will grow in the future. According to official figures, various psychological researches, the bigger aspiration to a certain independence and also finding of some identity through a certain separation from society is peculiar to men. For a female, the interdependence and also finding of personal identity in public relations is more acceptable. Women are peculiar to be more sensitive, empathy, have ability of understanding of feelings of other persons, we are inclined to manifestation of care and guardianship.

Features of female psychology leave a certain mark on direct control of vehicles. Female drivers, unlike male drivers, have more positive social installations and also they have more due level of discipline and that important necessary accuracy at operation of the vehicle. In this connection female persons allow certain gross violations of traffic regulations much less often, not so often create dangerous situations on roads, are more careful and reliable in natural and normal situations, at them the percent of approach of heavy consequences in road accident is lower. But besides because of the raised emotional component and not such level of physical endurance in comparison with males of the woman not so adequately comprehend and react to the most extreme situations and dangerous road circumstances and conditions. The above-stated some psychological features of the female faces amplifying in extreme and not standard situations in the field of traffic, including increase in percent of growth of vehicles, become immediate causes of the committed offenses on roads.

The safety problem on roads concerns not only Kazakhstan. The fact that much attention which is paid to the UN says that it is a global problem the whole world tries to solve it.

The order of safety of traffic is an implementer the state of policy in the sphere of traffic and unites in itself various norms which govern the relations in the field of safety on roads, set of local executive and

central bodies, public associations and the organizations, legal entities, participants of traffic, measures and means which ensure safety on roads and elimination of consequences of road accident.

In a situation the characterized quite high intensity of traffic in which the huge mass of people and a large number of vehicles are involved activities for prevention of the road accidents and decrease in weight of their consequences are very multidimensional and various.

The special priority gets a question of identification of system in this activity in which each department, the organization, the enterprise, the official and each person concerning safety of traffic and achievement of results in this area undoubtedly would find the certain place.

Today the constructive solution of the problem of safety of traffic is one of priority tasks which system solution needs to be divided into the following main components:

- 1) a complex of actions among the population and participants of traffic on traffic safety;
- 2) repair and proper maintenance of roads;
- 3) introduction of technical means of control of traffic.

Low-quality condition of a paving – one of the reasons of accidents on roads that is the reason of a large number of the road accidents. Insufficient and unsatisfactory lighting of streets, a large number of road signs demand replacement. Constant ensuring control of development of dislocation and installation of road signs and schemes of a road marking, design and construction of walking paths, sidewalks, crosswalks is required.

Special participation and special measures is demanded by level on children's road and transport traumatism because no arguments can justify death or sufferings of children.

Preventive actions of children's road and transport traumatism – a problem of all society. Training and education of children in due behavior at roads need to be begun with the earliest age.

Problematic issues of safety of traffic have interdepartmental character as cover a field of activity of bodies of the local representative government, law enforcement agencies and for achievement of goals have to be solved with use of constructive methods.

Now it is actually impossible to reach situation when each participant of traffic or the official connected with ensuring its direct safety in all cases would arrive in exclusive compliance with the established rules and norms.

Existence of a large number of road accident is the certificate that real readiness of participants of traffic not fully corresponds to the level of complexity of the conditions inherent in modern traffic. In it the main reason of existence of road and transport accident rate as objective reality consists.

In view of high reserve of administrative offenses in the field of traffic, it should be noted that not acceptance in attention of the established rules promotes emergence in most of the population of feeling of confidence in impunity of illegal behavior, lack of confidence in efficiency of participation of law enforcement agencies. It is promoted also by multiple changes of the relevant regulations for the short periods of time including establishing punishment for illegal behavior. It leads to the fact that in activities of authorized bodies for prevention of violations of traffic regulations there are problematic issues which are that the principle of inevitability of punishment for perfect offense is observed in practice not always and not in a due measure.

The problem of providing and granting necessary level of traffic safety has huge political and social value today. The number of road accident and their weight are influenced by the certain factors and circumstances carrying both objective and subjective character. The following conditions concern them: status of the city or settlement, illumination, time of day, categories of streets, value of a paving and its category, plans and profiles of roads, condition of carriageways, weather conditions and others. Thereby, statistics on road accident confirm the following: Road accidents are made generally in the afternoon days, in the territory of the big settlement or the city, on local roads, streets or at intersections. Thus the profile and the plan of the road are, generally horizontal, the carriageway with a snow setup or wet. Special attention needs to be paid to such conditions as rather uneven paving (a set of road accident are made for this reason) and also poor quality.

It is necessary to remember quality of streets and roads, technical means of regulation and the organization of traffic, vehicles, safety of society on roads in most cases depends on efficiency of the existing administrative legislation, strict observance of traffic regulations, level of sense of justice of staff of traffic police and directly participants of traffic.

In view of the above-stated facts and also investigating the reasons of the executive crisis connected with mass neglect an obligation for payment of a penalty, an optimum and productive way of ensuring sufficient and timely execution of administrative punishments for offenses in the field of traffic is creation of such conditions under which appropriate execution of administrative sanctions will be favorable to the person brought to administrative responsibility or he will have to it other internal motivation. The state activity in this area shouldn't come down to increase in administrative punishments.

The population needs to be brought unostentatiously to borders of a due stereotype of behavior, but not to exhaust him there violently or under the threat of punishment. Application of tough punishment for non-execution of resolutions has to be carried out in a complex with measures of security and precautionary character and also incentive measures.

Carry quite often out discussions with motorists where ask them questions in a sort - whether have saved large penalties from desire to break: the vast majority has answered with denial. Heavy fines don't influence psychology of drivers. An ideal situation would be if sanctions could be increased in a set of times, and offenses would become many times less, but nevertheless so doesn't leave.

Certainly there is a need of scientific research of problematic issues of production on cases of administrative offenses in the field of traffic and identification on this basis of a possibility of increase in efficiency of this activity as one of the most important sources of increase in traffic safety now.

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#### **К ВОПРОСУ АДМИНИСТРАТИВНОЙ ОТВЕТСТВЕННОСТИ ЗА ПРАВОНАРУШЕНИЯ В СФЕРЕ ДОРОЖНОГО ДВИЖЕНИЯ**

**Аннотация.** В связи с большим ростом автомобильного транспорта в Республике Казахстан и при этом значительным отставанием развития соответствующей дорожной инфраструктуры в первую очередь перед нами стоит задача обеспечения безопасности дорожного движения. Определяется недостаточным исследованием порядка и особенностей применения на практике административных санкций за правонарушения в области дорожного движения (предупреждения, назначения административного штрафа, лишения водителя права управления транспортными средствами).

**Ключевые слова:** административная ответственность, дорожное движение, правонарушение, юрисдикционная деятельность.

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